

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

In re:

Moustache Brewing Co. LLC,¹

Debtor.

Chapter 11

Case No.: 20-72474-las

**DECLARATION OF JONATHAN GRASSO REGARDING VOTING AND
TABULATION OF BALLOTS CAST ON MOUSTACHE BREWING CO. LLC'S PLAN
OF REORGANIZATION FOR SMALL BUSINESSES UNDER CHAPTER 11**

I, Jonathan Grasso, declare under penalty of perjury:

1. I am an attorney with the law firm of Pierce McCoy, PLLC, and I am over the age of 18 years.

2. I submit this declaration (the “**Declaration**”) with respect to the solicitation and tabulation of votes cast on Moustache Brewing Co. LLC’s Plan of Reorganization for Small Business under Chapter 11 [Docket No. 44] (the “**Plan**”). Except as otherwise indicated herein, all facts set forth herein are based upon my personal knowledge or my review of relevant documents. If I were called upon to testify, I could and would testify competently as to the facts set forth herein.

3. Pursuant to the Plan, only holders of claims against Moustache Brewing Co. LLC (“**Claims**”) in the following classes (collectively, the “**Voting Classes**”) were entitled to vote and accept or reject the Plan:

¹ The last four digits of the Debtor’s federal tax identification number are 1306.

<u>Class</u>	<u>Description</u>
Class 5	General Unsecured Claims
Class 6	Subordinated Unsecured Claims of Lauri and Matthew Spitz

4. In accordance with the Order Scheduling Hearing to Consider Confirmation of Moustache Brewing Co. LLC's Plan of Reorganization for Small Business Under Subchapter V of Chapter 11 [Docket No. 46] (the "**Order**") my firm mailed the Plan, the Order, and a ballot to all creditors and parties in interest. A certificate of service regarding these mailings was filed with this Court on August 27, 2020. *See* Docket No. 47.

5. Ballots returned by e-mail submission were all received and processed by me personally. Ballots returned by hard copy mail submission were all received by me, or other employees of Pierce McCoy, PLLC who in turn delivered the ballots to me.

6. For a ballot to be counted as valid, the ballot must have been properly completed and submitted in accordance with the procedures set forth in the Order and received by my firm no later than September 28, 2020.

7. I declare that the results of the voting by holders of Claims in the Voting Classes are as set forth in Exhibit A hereto, which is a true and correct copy of the final tabulation of votes cast by properly completed ballots received by my firm.

8. A report of all ballots not included in the tabulation attached as Exhibit A and the reasons for exclusion of such ballots is attached as Exhibit B hereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: September 29, 2020

Respectfully submitted,

/s/ Jonathan A. Grasso

Jonathan A. Grasso

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Counsel to the Debtor

EXHIBIT A

Moustache Brewing Co., LLC**Ballot Tabulation Summary**

TOTAL BALLOTS COUNTED					CLASS RESULT (ACCEPT/ REJECT)
VOTING CLASS	ACCEPT		REJECT		
	AMOUNT	NUMBER	AMOUNT	NUMBER	
Class 5 General Unsecured Claims	\$473,804.57 100.00%	6 100.00%	0.00 0.00%	0 0.00%	ACCEPT
Class 6 Subordinated Unsecured Claims	\$129,526.00 100.00%	1 100.00%	0.00 0.00%	0 0.00%	ACCEPT

EXHIBIT B

Moustache Brewing Co., LLC**Report of Excluded Ballots**

Plan Class Description	Name	Voting Amount	Vote Accept or Reject	Reason for Exclusion
Ballot Listed as Voting in Class 6	CIT Bank NA	\$10,547.95	Accept	Creditor is an assumed executory contract, not a Class 6 claimant
Ballot Listed as Voting in Class 7	Sharon M. Wirth	\$6,740.00	Accept	Class 7 is unimpaired under the Plan